



Summary of the Firearms Community Advisory Forum Meeting:  
Wednesday 19 April 2017

**The Minutes of the previous meeting were confirmed**

**Arms Safety and Control Project (ASAC):** Police is focusing on completing 3 ICT changes for the National Intelligence Application (NIA). Police is devising possible short, medium and long term solutions. Ultimately, Police hopes to establish centralised control over the permit system.

Police acknowledged that it is still very difficult for the rural population to meet and liaise with Police for their firearms inquiries, but noted that the best possible solution involves the public taking advantage of electronic/online systems currently in place. One member noted that due to issues of no or poor connectivity, this means it may not be a viable option for all of the rural sector. Discussion was had regarding other possible options, such as using mobile networks as the mechanism for connecting (acknowledged that this still will not cover all areas). A member indicated that it might also be useful for applications to be processed locally.

Police has caught up with the permits backlog, but information from Districts suggests that there may be a backlog in Districts. Police remains committed to staying ahead of the game and believes that it can predict the level of demand effectively.

Police outlined that there has not yet been a decision on appointing Arms Officers at Police National Headquarters (PNHQ). Police is more concerned about whether there are enough Arms Officers providing good service, but it will look into the PNHQ proposal at a later stage.

Police is slowly working towards the issue of consistency in the application of existing standards, and remains committed to providing appropriate training to Arms Officers and licensing staff.

**Law and Order Inquiry into issues relating to the illegal possession of firearms:** On 7 April, the Law and Order Committee published its final report on the Parliamentary website, which included 20 recommendations. If the government wishes to proceed with the recommendations, the ordinary legislative process will apply.

*Firearms prohibition orders (FPOs)* are likely to be one of the legislative amendments pursued that relate to the Committee's recommendations.

FPOs prevent specified people from accessing firearms, but also ensure that they cannot reside/be in a place that stores firearms. They also prohibit someone from using a firearm under the supervision of a firearms licence holder. Ordinarily, someone without a licence can use a firearm if under the supervision of a firearms licence holder. Evidence from Australia already suggests that FPOs restrict someone's effectiveness as a leader and leadership authority within a gang.

*Terms of reference:* A member suggested that the Inquiry's terms of reference were not adequately addressed in the report, particularly how unlicensed persons come into possession of firearms. The Committee could not report on this comprehensively because it is almost impossible to get hard information on the issue.

*Registration:* A member commented that the Committee's recommendation for Police to record serial numbers of all firearms possessed by licence holders at time of renewal of licence or inspection was in effect a registration process. Police noted that it has been a consistent government position to not support comprehensive registration.

*Sale and supply of firearms:* A member noted that some of the firearms community are concerned with the Committee's recommendations on the sale and supply of firearms. They specified that the firearms community

is worried about a lack of trust in legitimate firearms owners as some recommendations would unfairly burden firearms owners.

*New firearms system:* In response to a suggestion that a new firearms system should be created (including consultation with the firearms community), Police suggested that a number of changes may be required over time, and, if so, there should be greater consultation with the firearms community. However, Police also noted that the general ‘fit and proper person’ approach works well.

*New category for firearms:* There was some discussion on the recommendation to create a new category of firearms licences for military style semi-automatics. One member thought that it would potentially prevent lawful A category licence holders from holding .22 calibre semi-automatic firearms and shotguns used for duck hunting. The member suggested that there would be a surge in the number of grey firearms if this recommendation was pursued. Police sympathised, but noted that the conversion of A category firearms into MSSAs is an issue that needs to be addressed.

*Seizures and data:* 70-90 firearms are seized by the Police per month, including approximately 10 restricted firearms (i.e. military style semi-automatic firearms, pistols and restricted weapons). In relation to the seizure of restricted firearms, officers will not always include specific details like the type of firearm. For example, officers might note that it is a restricted firearm, but they will not necessarily specify that it is a pistol, a rifle, etc.

It was suggested that Police should be able to provide data on the origin of firearms, certainly firearms that were originally purchased as restricted firearms. Police stated that under the ASAC project, seizure data should become more detailed. A member also outlined that it would be useful to provide more detail on seized firearms. For example, pistols used in crimes are not necessarily the registered pistols that lawful pistol owners have – the category currently includes firearms that have been modified to fall under the pistol category. The member believed that if this point were clarified, Police might be able to compile more meaningful statistics.

It was also suggested that it might be best for local Arms Officers to enter the details of seized firearms into the database, as it would likely improve data quality. Police noted that it is dedicated to enhancing data quality; however, because A category serial numbers are often removed, Police cannot always tell whether the firearms are obtained legally or not.

*Penalties for firearms offences:* There was some discussion on Police’s ability to fine people for firearms offences, rather than putting them through the court process. Police outlined that this was outside its ambit – it cannot choose to impose fines rather than prosecute firearms offences. Nevertheless, Police noted that the whole penalty structure is likely to be reviewed in the next Arms Amendment Bill.

*Subcommittee on the Law and Order Committee’s recommendations:* The Forum created a Subcommittee, including four representatives each from Police and the Forum, to work through the Select Committee’s recommendations. Police welcomed the initiative, and agreed to be part of the Subcommittee to go through the pros and cons of the recommendations. The Forum agreed that Nicole McKee (Firearms Safety Specialists), Debbie Wakker (Pistol New Zealand), John Herbert (New Zealand Service Rifle Association) and Andrew Edgcombe (New Zealand Antique and Historical Arms Association) would represent the Forum in the Subcommittee, and the workshop was scheduled to take place on Wednesday, 3 May. [Nicole McKee was later appointed as an independent advisor to the Minister of Police on the Select Committee report. Through round robin email Trent Smith and Trevor Dyke were nominated to the Sub-Committee.

**Subcommittee firearms storage:** It was agreed that the Subcommittee would be represented by three Forum members and three Police representatives, with the Chair shared between the Subcommittee members. An agreed subject matter expert could also join the group for certain discussions. It was confirmed that the Subcommittee would not enjoy greater decision making powers than the forum. The forum will be represented

by Trent Smith (New Zealand Retail), Michael Dowling (Council of Licensed Firearms Owners) and Rachael Dean (Rural Women New Zealand).

It was also confirmed that the Subcommittee will seek to come up with practical solutions that can be achieved by ordinary licensed firearms owners.

**Arms Trade Treaty (ATT) Update:** Since December, there have been no major developments in relation to the ATT. Police and the Ministry of Foreign Affairs (MFAT) are working on the 2017 ATT report on the import and export of weapons. The Brokering Bill is still being drafted, but there is no indicative timeframe on the Bill's introduction – this depends on Cabinet's decision making.

MFAT's notification of exempted sporting firearms export form has been working well, and MFAT has been receiving a lot of notifications.

**Representatives' attendance at forum involved in litigation with Police:** The forum primarily seeks to establish open lines of communication between members, and for members to have confidence that their comments will not be attributed to them outside of the meeting – it is for this reason the committee has adopted Chatham House Rules which are: “When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed”. If it gets to the situation where a number of members take private legal action against Police, then the protection ordinarily guaranteed under the Chatham House Rules will be undermined by court processes.

For the forum to work effectively, there must be a robust process in place for the free and frank flow of discussion. With this in mind, it might be worth taking up one of two options:

1. When a topic comes up that touches on a member's litigation, it may be prudent for them to leave the room for discussion of that particular topic.
2. The member could delegate their authority to someone else within their organisation to attend the meeting instead.

The Committee agreed to adopting the rules as described. For either of these options to work, members need to be quite clear about their position/situation from the beginning, and it needs to be quite clear when a specific topic is going to be discussed during the meeting.

**Firearms Safety Council of Aotearoa (FSCA):** The admission of the FSCA to the forum was tabled at the Arms Safety and Control project workshop in February, but no formal decision taken. To formally admit a person/organisation to the Forum, specific criteria must be met and the organisation must serve a significant section of the firearms community that is not currently represented. A member provided some additional information around membership of FSCA, and the Forum agreed in-principle (by majority), to the FSCofA membership subject to receipt of adequate additional information from them.

**Other Business:** There was robust discussion on the difficulties relating to the visitor licensing process. One member was frustrated with the troubles some Australian visitors had to obtain an E category licence ahead of their participation in an Easter event. The visitors did not hold the equivalent endorsement in Australia – the major issue being that civilians cannot lawfully own E category firearms there. Ultimately, the issue was resolved quickly, but Police acknowledged that it may be useful to clarify policy in this area.

Police indicated that it requires a minimum of 30 days to complete the visitor licensing process. Police noted that it is vital to have appropriate checks and balances in place.

Another member suggested that this meeting was particularly productive, possibly because there was some continuity from the full day ASAC workshop that took place in February. The member encouraged Police to consider a full day meeting to take place at least once a year. Police and the Forum agreed.